

Mark C. Hoyt, OSB No. 923419  
[mark@shermmlaw.com](mailto:mark@shermmlaw.com)  
Justin M. Thorp, OSB No. 974154  
[justin@shermmlaw.com](mailto:justin@shermmlaw.com)  
SHERMAN SHERMAN JOHNNIE & HOYT LLP  
693 Chemeketa Street NE  
Salem, Oregon 97301  
Telephone: 503-364-2281  
Facsimile: 503-370-4308

Louis D. Lopez (*Admitted Pro Hac Vice*)  
[llopez@fclaw.com](mailto:llopez@fclaw.com)  
Philip L. Brailsford (*Admitted Pro Hac Vice*)  
[pbrailsford@fclaw.com](mailto:pbrailsford@fclaw.com)  
FENNEMORE CRAIG, P.C.  
2394 E. Camelback Road, Suite 600  
Phoenix, Arizona 85016  
Telephone: 602-916-5000  
Facsimile: 602-916-5999

*Attorneys for Defendant*  
*Southwest Behavioral & Health Services, Inc.*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

ENSOFTEK, INC., an Oregon corporation,

Plaintiff,

v.

SOUTHWEST BEHAVIORAL & HEALTH  
SERVICES, INC., an Arizona corporation,

Defendant.

Case No. 3:19-cv-00615-MO

**ORDER GRANTING  
STIPULATION**

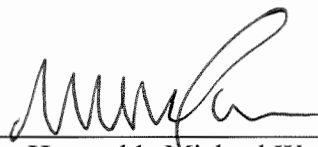
Based on the parties' Stipulation, and good cause appearing,

IT IS ORDERED that except for defenses that existed at the time that Southwest Behavioral & Health Services, Inc. ("SBHS") filed its original complaint (the Arizona Suit), EnSoftek, Inc. ("EnSoftek") will not assert the defense of res judicata, claim preclusion, issue preclusion, estoppel, failure to assert a compulsory counterclaim, or similar procedural defenses to SBHS's counterclaim in the Oregon Suit. The timeliness of claims or the validity of a statute of limitations (or laches) defense will relate back to the filing date of the claims of the Arizona Suit.

IT IS FURTHER ORDERED that attorney's fees and costs accrued in the Arizona Suit will be decided at the conclusion of this suit, if appropriate.

IT IS FURTHER ORDERED that Defendant SBHS's motion to dismiss is withdrawn.

IT IS FURTHER ORDERED that Defendant SBHS has ten business days from the date of this Order to file its answer and any compulsory counterclaim.

  
\_\_\_\_\_  
The Honorable Michael W. Mosman  
10/7/19

Submitted by:  
Philip L. Brailsford (admitted *Pro Hac Vice*)  
(602) 916-5328  
*Of Attorneys for Defendant*  
*Southwest Behavioral & Health Services, Inc.*